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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,309	06/16/2005	Jong-Hun Ha	0630-2359PUS1	2656
2292 7590 10/07/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER HAMO, PATRICK				
ART UNIT		PAPER NUMBER		
3746				
NOTIFICATION DATE		DELIVERY MODE		
10/07/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/539,309

Applicant(s)

HA ET AL.

Examiner

PATRICK HAMO

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date See Continuation Sheet
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :6/16/05, 6/11/07, 11/9/07, 1/9/08.

DETAILED ACTION

Drawings

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6-8, 11-15, 18 and 30-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohmart, U.S. Patent No. 2,629,544.

In regard to independent claim 1 and its dependent claim 6, Ohmart discloses a compressor comprising: a chamber consisting of a cylindrical body 26, 50 an upper cap

58 coupled at an upper portion of the body and a lower cap 46, 52 coupled at a lower portion of the body; an electric mechanism unit 24 positioned inside the chamber and generating rotational force; and a compression mechanism unit 22 for compressing and discharging fluid by the rotational force generated from the electric mechanism unit in the chamber, wherein the body of the chamber includes an inner body 26 and an outer body 50 which are tightly attached to reduce noise and vibration generated in the chamber through mutual friction between the inner body and the outer body; wherein the inner body and the outer body are mutually welded at point 54 where they meet the lower cap.

In regard to independent claim 7 and its dependent claim 8, Ohmart discloses a compressor comprising: a chamber consisting of a cylindrical body 26, 50, an upper cap 58 coupled at an upper portion of the body and a lower cap 46, 52 coupled at a lower portion of the body; an electric mechanism unit 24 positioned inside the chamber and generating rotational force; and a compression mechanism unit 22 for compressing and discharging fluid by the rotational force generated from the electric mechanism unit in the chamber, wherein the body of the chamber includes an inner body 26 and an outer body 50 which are tightly attached to reduce noise and vibration generated in the chamber through their mutual friction, and the inner body is fixed to the upper cap and to the lower cap through welding; wherein the inner body and the outer body are mutually welded at point 54 where they meet the lower cap.

In regard to independent claim 11 and its dependent claims 12-15 and 18, Ohmart discloses a chamber 28 for a compressor, comprising a multi-layer structure at least one portion, wherein plates of the multi-layer structure are tightly attached to each other in order to reduce noise and vibration by mutual friction; comprising a cylindrical body 26, 50, an upper cap 58 coupled to an upper portion of the body and a lower cap 46, 52 coupled to a lower portion of the body, wherein the body has a multi-layer structure; wherein the body has a double-layer structure; wherein the lower cap has a multi-layer structure; wherein the portions in the multi-layer structure are assembled by being attached to each other, at welding point 54.

In regard to independent claim 30 and its dependent claims 31-33, Ohmart discloses a chamber for a compressor comprising: a cylindrical inner body 26 and a cylindrical outer body 50 which are tightly attached to reduce noise and vibration generated inside through mutual friction; an upper cap 58 coupled to an upper portion of the inner body; and a lower cap 46, 52 coupled to a lower portion of the inner body; further comprising a support 54 coupled to the outer body and supporting the chamber; wherein the support is fixed at the outer body through welding; wherein the upper cap and the lower cap are fixed at the inner body through welding.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmart, discussed above, in view of Lundin, U.S. Patent No. 3,687,224.

Ohmart discloses all of the limitations of independent claim 1, from which claims 2 and 3 depend, but fails to teach that a middle body is interposed between the inner body and the outer body or that the bodies are assembled in a manner of being press-fit to each other. However, Lundin teaches a muffler unit for use with a compressor which includes a three-layered body for sound dampening, including an inner 12 and outer 24 body with a porous material 90 interposed therebetween. It would have been obvious to one of ordinary skill in the art to have modified the chamber of Ohmart with the porous interposed layer of Lundin because the intermediate porous layer gives more robust sound absorbing qualities (column 2, lines 41-44). In regard to the limitation that the bodies are assembled in a manner of being press-fit, this limitation constitutes a product-by-process claim in which determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." *In re Thorpe*, 777 F.2d 695, 698 (Fed. Cir. 1985). In the present

case, the product as claimed is substantially the same as that taught by the combination of Ohmart and Lundin, except that the references are not made by press-fitting.

Claims 4, 5, 9, 10, 16, 17 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmart, discussed above.

Claims 4, 5, 9, 10, 16, 17 and 34 each depend from one of the independent claims rejected by Ohmart under 35 U.S.C. 102(b) above. As such, Ohmart discloses all of the limitations in these claims except that: the inner body and the outer body are assembled as being mutually press-fit; the inner body and the outer body are assembled as being shrunk to each other; and that the outer body is formed shorter than the overall length of the inner body.

In regard to the limitations that the inner body and the outer body are assembled as being mutually press-fit and that the inner body and the outer body are assembled as being shrunk to each other, these limitations constitute product-by-process claims in which determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.” *In re Thorpe*, 777 F.2d 695, 698 (Fed. Cir. 1985). In the present case, the product as claimed is substantially the same as that disclosed by Ohmart, except that Ohmart’s is not made by press-fitting or shrink-fitting. In regard to the limitation that the outer body is formed

shorter than the overall length of the inner body, it is the examiner's opinion that this would have been an obvious result of engineering design choice. The body of Ohmart for example, has a series of concave and convex portions, and if the balance of these is greater for the concave portions, then the outer body would be shorter than the inner body. If the inverse were true, then the inner body would be shorter than the outer body. Ohmart is silent to the dimensions of the concave and convex portions, but under an obviousness rejection, the specifics of Ohmart's compressor are of no consequence. It would have been obvious to one of ordinary skill in the art to have made a compressor that would have more concave portions, leading to a shorter outer body relative to the inner body.

Claims 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmart, discussed above, in view of Licentia, GB991996.

Ohmart discloses all of the limitations of independent claim 11, from which claims 19-25 directly or indirectly depend, but fails to disclose that one layer and its adjacent layer are made of different materials; wherein one layer and its adjacent layer are made of materials with different thermal expansion coefficient; wherein the layer positioned at outer side of a compressor is made of material having higher thermal expansion coefficient than that of the layer positioned at an inner side of the compressor; wherein one layer and another layer attached thereto have different moduli of strain; wherein the layer positioned at an outer side of the compressor is made of material having higher modulus of strain than that of the layer positioned at an inner side of the compressor;

wherein each layer constituting the multi-layer structure has different thickness; wherein the layer positioned at the inner side of the chamber is thicker than the layer positioned at the outer side of the chamber. However, Licentia teaches a casing for a motor compressor including two layers made of different materials (page 2, claim 6) (in which case they would have different thermal expansion coefficient and different moduli of strain), and two layers of different thickness (page 2, claim 5). It would have been obvious to one of ordinary skill in the art to have modified the chamber of Ohmart with the casing of Licentia in order to further reduce the radiation of noise (page 1, column 1, lines 22-26). In regard to the claimed limitations that the inner layer is thicker than the outer layer and that outer layer has a higher thermal expansion coefficient and modulus of strain, it would have been an obvious matter of engineering design choice to one skilled in the art in the process of material selection.

Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmart, as discussed above, in view of Mitch, U.S. Patent No. 4,091,638.

Ohmart discloses all of the limitations of independent claim 11 from which claims 27-29 depend, but fails to teach a heat releasing unit provided at the outer layer, wherein the heat releasing unit is a metal plate being contact with the outer layer, and includes a plurality of fin plates. However, Mitch teaches a compressor with a casing including fins 90 extruded from a plate on the casing to promote cooling of the compressor. It would have been obvious to one of ordinary skill in the art to have

modified the compressor of Ohmart with the heat releasing capabilities of Mitch's casing in order to better cool the compressor unit.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK HAMO whose telephone number is (571)272-3492. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on 571-272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Devon C Kramer/
Supervisory Patent Examiner, Art
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/Patrick Hamo/

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Patent Examiner, AU 3746